

Town Board Minutes

December 6, 2021

Meeting No. 24

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6th day of December 2021 at 7:00 P.M. and there were

PRESENT: ADAM DICKMAN, COUNCIL MEMBER
ROBERT LEARY, COUNCIL MEMBER
DAVID MAZUR, COUNCIL MEMBER
MICHAEL WOZNIAK, COUNCIL MEMBER
RONALD RUFFINO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
WILLIAM KARN, CHIEF OF POLICE
MICHELLE BARBARO, PARK CREW CHIEF
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

PERSONS ADDRESSING TOWN BOARD:

Rinow, David, spoke to the Town Board on the following matter:

- Comments regarding the transparency of the Town Board.

Sojka, Greg, spoke to the Town Board on the following matter:

- Questions regarding the appointment of a Planning Board member.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 1 Local Law to Amend Chapter 400-73 (D)

ON MOTION BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER LEARY AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon adopting a Local Law to amend Chapter 400-73 (D) maintenance and repair of stormwater facilities of the town Code matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
None	

ON MOTION BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER MAZUR AND CARRIED, the public hearing was closed at 7:16 P.M.

Decision on this matter was reserved.

December 6, 2021

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 2 Local Law to Amend Chapter 206-5

ON MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER LEARY AND CARRIED, the public hearing was opened.

At 7:16 P.M., the Town Board held a Public Hearing to hear all interested persons upon adopting a Local Law to Amend Chapter 206-5 Improvements, Public and Private of the Town Code matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
None	

ON MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER LEARY AND CARRIED, the public hearing was closed at 7:17P.M.

Decision on this matter was reserved.

December 6, 2021

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 3 V&T Ordinance Speed Regulations

ON MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER DICKMAN AND CARRIED, the public hearing was opened.

At 7:17 P.M., the Town Board held a Public Hearing to hear all interested persons upon a V&T Ordinance maximum speed limit regulations matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
James Sinner Lancaster Bee	Questions

ON MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER MAZUR AND CARRIED, the public hearing was closed at 7:19 P.M.

Decision on this matter was reserved.

December 6, 2021

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 4 Rezone 4781 Transit Road

ON MOTION BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER MAZUR AND CARRIED, the public hearing was opened.

At 7:19 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Rezone 4781 Transit Road matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
Jeff Palumbo, Representation Petitioner Barclay Damon, LLP	Proponent
Julia Sullivan Knauf Shaw, LLP	Opponent
Greg Sojka	Comments/Questions

ON MOTION BY COUNCIL MEMBER WOZNIAK, SECONDED BY COUNCIL MEMBER MAZUR AND CARRIED, the public hearing was closed at 7:39 P.M.

Decision on this matter was reserved.

December 6, 2021

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 5 Special Use Permit
Telecommunications Tower Co-Location

ON MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY
COUNCIL MEMBER DICKMAN AND CARRIED, the public hearing was opened.

At 7:39 P.M., the Town Board held a Public Hearing to hear all interested
persons upon a Special Use Permit Telecommunications Tower Co-Location 00 Transit Road
matter.

The affidavits of publication and posting of this Public Hearing are on file
and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
Sara Stephens, Petitioner Dish Wireless	Proponent

ON MOTION BY COUNCIL MEMBER LEARY, SECONDED BY
COUNCIL MEMBER MAZUR AND CARRIED, the public hearing was closed at 7:43 P.M.

Decision on this matter was reserved.

December 6, 2021

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 6 Community Development
Block Grant

ON MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY
COUNCIL MEMBER LEARY AND CARRIED, the public hearing was opened.

At 7:43 P.M., the Town Board held a Public Hearing to hear all interested
persons upon a Community Development Block Grant Senior Center Improvement matter.

The affidavits of publication and posting of this Public Hearing are on file
and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
None	

ON MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY
COUNCIL MEMBER DICKMAN AND CARRIED, the public hearing was closed at
7:45 P.M.

Decision on this matter was reserved.

December 6, 2021

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
November 15, 2021 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Check Run #120621

Total amount hereby authorized to be paid: \$1,425,345.33

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 310 of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
2021-004		Timothy Sullivan	19 Haskell Dr	Develop Floodplain	
31329		Steven Andres	12 Winfield Ave	Er. Fence	(V/L)
33207		Decks Unlimited Construction	22 St Joseph St	Er. Res. Add.	(V/L)
33531		Ulrich Sign Co. Inc.	4355 Walden Ave	Er. Sign - Wall	
33544		A Best Inc.	5496 Broadway	Re-Roof	(V/L)
33546		Marrano Marc Equity Corp.	6 Henslow Way	Er. Patio Home	
33548		Elwood Fire Protection, Inc.	80 W Drullard Ave	Er. Comm. Add./Alt.	(V/L)
33549		Countryside Builders Corp.	24 Hidden Meadow Cros	Er. Gazebo	
33553		Ulrich Sign Co. Inc.	5386 Broadway	Er. Sign - Wall	(V/L)
33556		Mario's Custom Woodwork LLC	10 Brandel Ave	Er. Res. Alt.	(V/L)
33557		Thomas Peters	1460 Townline Rd	Re-Roof	
33558		Family Video Movie Club Inc.	5207-5211 Broadway	Dumpster - Temp.	(V/L)
33559		Nicholas Hriczko	3 Pear Tree Ln	Er. Shed	
33560		Patriot Plumbing/Heating/Cool	44 Brandel Ave	Inst. Res. Plumbing	(V/L)
33561		Jeff Miller	17 Brunck Rd	Er. Garage	
33562		Surety Remodeling Group	5215 Genesee St	Re-Roof	
33563		Alex Dinino	23 W Home Rd	Re-Roof	
33564		Keith Minko	7 Division St	Re-Roof	
33565		Comfort Window Co. Inc.	3 Ravenwood Dr	Er. Res. Alt.	
33566		Paul Nosbisch	31 Newell Ave	Er. Fence	(V/L)
33567		Rita Volpe	27 Newell Ave	Er. Fence	(V/L)
33568		Nancy Dudas	84 Holland Ave	Er. Shed	(V/L)
33569		Michael Slagel	61 Kennedy Ct	Er. Fence	
33570		Rickard General Construction	77 Richmond Ave	Re-Roof	(V/L)
33571		Sitzmans Appliance Center	1146 Penora St	Inst. Generator	
33572		Buffalo's Best Roofing	20 Tanglewood Dr	Re-Roof	
33573		Buffalo's Best Roofing	26 Tanglewood Dr	Re-Roof	
33577		Zenner & Ritter Co. Inc.	127 Michaels Walk	Inst. Generator	
33578		Zenner & Ritter Co. Inc.	59 Stony Brook Dr	Inst. Generator	
33579		LTCL, Ltd.	4901 Transit Rd	Er. Comm. Add./Alt.	
33580		Rambo Roofing	5606 Genesee St	Re-Roof	
33581		The Vinyl Outlet Inc.	206C Peppermint Rd	Er. Deck	
33582		Franks Commercial & Home	6 Rose Hill Cir	Inst. Res. Plumbing	
33583		Franks Commercial & Home	4853 William St	Inst. Res. Plumbing	
33584		Timothy Sullivan	19 Haskell Dr	Er. Res. Add.	
33585		Donald Wegst	46 Deerpath Dr	Inst. Generator	
33586		Marrano/Marc Equity Corp.	29 Mary Rachel Pl	Er. Townhouses	
33587		Marrano/Marc Equity Corp.	31 Mary Rachel Pl	Er. Townhouses	
33588		Dalex Construction Inc.	12 Brunck Rd	Re-Roof	
33589		Superior Decks & Gazebos Inc.	21 Ryan St	Er. Deck	
33590		Tesla Energy Operations, Inc.	12 Pinetree Dr	Inst. Solar Panels	
33591		Donald Suarez	4 Woodgate Dr	Er. Fence	
33592		Forbes Homes, Inc.	22 Deepwood Pl	Er. Dwlg.-Sin.	
33593		Forbes Homes Inc.	29 Deepwood Pl	Er. Dwlg.-Sin.	
33594		Anthony Suriani	43 S Irwinwood Rd	Er. Deck	(V/L)
33595		Forbes Homes Inc.	19 Deepwood Pl	Er. Dwlg.-Sin.	
33596		Gregory Schiller	397 Seneca Pl	Er. Fence	
33597		Berco Enterprises LLC	3637 Walden Ave	Re-Roof	(V/L)
33598		Marrano/Marc Equity Corp.	7 Sedge Run	Er. Patio Home	
33600		155 Lake Avenue LLC	155 Lake Ave	Re-Roof	(V/L)
33601		Duane Setter	14 Ravenwood Dr	Inst. Generator	
33602		Buffalo's Best Roofing	110 Pleasant Ave	Re-Roof	(V/L)
33603		McGrath Carpentry	5 Hillside Pky	Er. Deck	
33607		Kim Schoenthaler	109 Robert Dr	Dumpster - Temp.	(V/L)

33608	Steven Staniszewski	49 Steinfeldt Rd	Er. Shed	
33609	AVA Roofing & Siding Inc.	5089 Transit Rd	Re-Roof	
33610	Mark Shepard	20 Windsor Ridge Dr	Er. Fence	
33611	Iroquois Fence Inc.	75 Pavement Rd	Er. Fence	
33612	Michael Thomas	38 Wainwright Ct	Inst. Generator	
33613	Franks Commercial & Home	17 Doris Ave	Inst. Res. Plumbing	(V/L)
33615	Design Restoration LLC	100 Bowen Ave	Er. Res. Alt.	(V/L)
33616	Stuart Kelley	987 Erie St	Er. Shed	
33617	JRD Family Trust	396 Townline Rd	Er. Shed	
33619	Tend 2 IT Properties	6350 Broadway	Er. Pole Barn	
33622	Michael McDonald	21 Woodgate Dr	Er. Shed	
33623	Paul Juzdowski	24 Old Post Rd	Re-Roof	
33624	Graves Bros. Inc.	4805 Transit Rd	Re-Roof	
33625	Gen-Tech Power Systems LLC	72 Country Pl	Inst. Generator	
33626	Gen-Tech Power Systems LLC	64 Freeman Dr	Inst. Generator	

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Lancaster/Depew Meals on Wheels had previously entered into a contractual arrangement with the Town to provide meals to housebound seniors, and

WHEREAS, Meals on Wheels for Western New York, Inc., and the Food Bank of Western New York, Inc., merged in 2020 and created what is now known as FeedMore Western New York, Inc., and

WHEREAS, FeedMore Western New York, Inc., desires to enter into a contractual arrangement with the Town to continue the provision of meals to residents in need and local food pantries, as well as provide culinary and warehouse training opportunities to help individuals prepare for employment, and

WHEREAS, the Town Board has given due review and consideration to this request and deems it in the public interest to enter into a contract to provide for the continuation of this service for residents and facilities in need during the 2021 calendar year.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with FeedMore Western New York, Inc., to provide continuation of the meal program for residents and facilities in need for the 2021 calendar year, the Town will provide under this contract the sum of up to \$30,000.00 as appropriated in the Town’s 2021 Program for the Aging, Contractual Expenses Budget, line item A7610.410.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, Twin District Volunteer Fire Company, Inc., by letter
received November 15, 2021, has requested the addition of the following member to the roster
of said fire association.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the addition to the membership of the Twin District Volunteer Fire Company the
following individual:

ADDITION:

Jason Pfeffer
Lancaster, NY

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED YES
COUNCIL MEMBER LEARY	VOTED YES
COUNCIL MEMBER MAZUR	VOTED YES
COUNCIL MEMBER WOZNIAK	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Alfreda Haniszewski, d/b/a Ed Henning Inc., 911 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situated at 911 Ransom Road within the Town of Lancaster, pursuant to Chapter 275 Salvage Yard and Chapter 400-23 D Junkyard/Salvage Yard Design Standards of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated November 16, 2021 has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE,

BE IT RESOLVED, that Alfreda Haniszewski, d/b/a Ed Henning, Inc., 911 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situated at 911 Ransom Road, Lancaster, New York for the period January 1, 2022 to December 31, 2022 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER WOZNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Town has a current agreement with Wm. Schutt and Associates, P.C., to provide Professional Services for Municipal Engineering for the Town of Lancaster, which is set to expire on December 31, 2021, and

WHEREAS, the Town entered into this agreement December 17, 2019, which covers a period of two (2) years (2020 and 2021) with an additional one (1) year automatic extension, unless either entity provides the other a written notice on or before November 30, 2021, of its intent not to renew, and

WHEREAS, the Town Board has duly discussed and reviewed this agreement and finds it to be in the public’s interest to extend the contract with Wm. Schutt and Associates, P.C. under the same conditions outlined in the current agreement for a term of only one (1) year.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Attorney is directed to memorialize this resolution in writing to Wm. Schutt and Associates, P.C. advising them of the intent to extend the agreement for an one (1), commencing on the first (1st) day of January 2022 and continuing through the thirty-first (31st) day of December 2022 under the same conditions of the current 2020-2021 agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, Stephen Geltz, on behalf of **Salvatore’s Italian Prime Restaurant**, has submitted an application for a Special Use Permit to allow for the operation of a patio with seating for an outdoor dining area on premises located at 6461 Transit Road, in the Town of Lancaster in accordance with provisions of Chapter 400-Zoning, Article V. Commercial Districts, §400-18 General Commercial (B)(1)(a) of the Code of the Town of Lancaster, and

WHEREAS, Chapter 400 Zoning, Article XIV Administration and Enforcement § 400-78 Special use permits of the Town Code of the Town of Lancaster requires that the Town Board conduct a public hearing before the issuance of a special use permit for a use as proposed.

NOW, THEREFORE,
BE IT RESOLVED, that pursuant to § 400-78 Special use permits of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for **Salvatore’s Italian Prime Restaurant** to operate a patio with seating for an outdoor dining area on premises located at 6461 Transit Road, in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of December, 2021, at 7:15 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT – SALVATORE’S ITALIAN PRIME RESTAURANT
6461 TRANSIT ROAD, LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 400-Zoning, Section 78 "SPECIAL USE PERMITS" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution adopted by the Town Board of the Town of Lancaster on the 6th day of December, 2021 the said Town Board will hold a Public Hearing on the 20th day of December, 2021, at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Stephen Geltz, on behalf of **Salvatore’s Italian Prime Restaurant**, for a Special Use Permit to operate a patio with seating for an outdoor dining area on premises located at 6461 Transit Road, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

**BY: DIANE M. TERRANOVA
Town Clerk**

December 9, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster previously held a public hearing pursuant to Chapter 400-Zoning, Article XIV-Administration and Enforcement, Section 78 of the Code of the Town of Lancaster, upon the application of **Anthony J. Daniele**, for a Special Use Permit for **Royal Car Wash**, to operate an express exterior car wash on premises located at 6645 Transit Road (SBL No. 82.03-1-51.11), in the Town, and the Board issued such Special Use Permit November 20, 2017, for a two (2) year period, and

WHEREAS, by letter dated October 22, 2021, **Anthony J. Daniele**, President of Daniele Management & Development, has requested that the Town Board renew the Special Use Permit issued on behalf of **Royal Car Wash** for an additional two (2) year term, and

WHEREAS, Matt Fischione, the Code Enforcement Officer, has recommended the renewal of this Special Use Permit per his letter dated November 9, 2021.

NOW THEREFORE,
BE IT RESOLVED, as follows:

1. That pursuant to Chapter 400-Zoning, Article V Commercial Districts, §400-18(B)(1)(a), General Commercial District, of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant the Special Use Permit renewal to **Anthony J. Daniele**, on behalf of **Royal Car Wash**, to operate an express exterior car wash on premises located at 6645 Transit Road (SBL No. 82.03-1-51.11), in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period of November 20, 2021 through November 19, 2023, and

2. That the applicant will continue in compliance with conditions as set forth in § 400-18 General Commercial District, § 400-19 Supplementary regulations for LC & GC Districts, and § 400-78 Special use permits, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to engage in the occupation listed above on the premises namely:

- A. Applicant will authorize representatives from the Building Inspector’s Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
- B. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a written request to the Town Clerk, on or **before November 19, 2023**.
- C. Provide a copy of the business’ Federal and New York State Tax Employer Identification Number.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER LEARY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has requested that a Request for Proposal (RFP) be issued for a Drainage study to be done for the south part of the Town of Lancaster to identify any drainage issues, and

WHEREAS, Edward Schiller, P.E., Municipal Projects Director, sent out the RFP to six (6) engineering firms with local presence and necessary experience and received three (3) responses back in accordance with the Town of Lancaster’s Procurement Policy, and

WHEREAS, by memo dated November 5, 2021, Edward Schiller, P.E. has recommended that the Town of Lancaster award the drainage study for the south part of the Town of Lancaster to JM Davidson Engineering, D.P.C. at a cost of \$45,600.00, per their proposal dated October 12, 2021, and

WHEREAS, funding for this study will be paid for with the funds available in the Preparation of a Drainage Study Capital Improvement Project Bond approved on March 15, 2021.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the contract with JM Davidson Engineering, D.P.C., 935 Sheridan Drive, Suite 120, Tonawanda, New York 14150, to perform a drainage study for the south part of the Town of Lancaster to identify drainage issues, in accordance with their proposal dated October 12, 2021 in the amount not to exceed \$45,600.00 and which will be paid for with funds available in the Preparation of a Drainage Study Capital Improvement Project Bond approved on March 15, 2021.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER LEARY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2021 entitled “**AGRICULTURAL DISTRICTS AMENDMENT**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Leary on the 1st day of November, 2021, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under 6NYCRR Part 617.5(c)(33), and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on the 15th day of November, 2021, where all interested parties were allowed to address the proposed Local Law.

WHEREAS, the Town Board of the Town of Lancaster after due review and deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law No. 7 of 2021 is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 7 OF THE YEAR 2021
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on December 6, 2021, Local Law No. 7 of the Year 2021, which amends the Code of the Town Code of the Town of Lancaster's Chapter 400 Zoning, Article IV Residential Districts § 400-13 Agricultural Residential Districts (A-R), (B)(1)(g) Raising of livestock and poultry.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

**By: DIANE M. TERRANOVA
Town Clerk**

December 9, 2021

**Town of Lancaster
Local Law No. 7 of 2021**

**A Local Law Amending Town Code § 400-13(B)(1)(g) to clarify any ambiguities
contained therein.**

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1. Section 400-13(B)(1)(g) of Chapter 400, Article IV. Residential Districts of the Town Code is hereby amended to read in its entirety as follows:

**Section 400-13 (B)(1)(g) Raising of livestock and poultry on lots of not less than
five (5) acres,
provided that:**

- [1] All such animals shall be housed in a structure to ensure safety and protection from the elements; and**
- [2] Housing structures (barns, pens, runways, etc.) shall be a minimum of one hundred (100) feet from any lot line, and**
- [3] Fencing and other enclosures utilized for corralling, shall keep the livestock and poultry a minimum of fifteen (15) feet from any lot line; and**
- [4] Any manure or other odor- or dust-producing substance shall be stored a minimum of one hundred (100) feet from any lot line.**

Section 2. Severability Clause. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 3. Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Town Board desires to pursue funding opportunities for the Senior Center Improvements Project to help mitigate the transmission of COVID-19 among the seniors in the Town of Lancaster, and

WHEREAS, the Town Board desires to provide new and improved amenities to seniors at the lowest possible cost to the Town and Town taxpayers, and provide services to low and moderate income persons who reside in the Town of Lancaster, and

WHEREAS, at a meeting of the Lancaster Town Board held on December 6, 2021, the Board held a public hearing to discuss proposals for the Town application for the New York State’s Cares Grant, which is the CDBG Cares Act Funds (CV/COVID-19 relief), and has identified the following improvements to the Senior Center to help diminish and the reduce the spread of COVID-19:

- 1. A new passenger van
- 2. Sidewalks
- 3. Pavilion
- 4. Pickleball Courts
- 5. Water bottle filling stations

WHEREAS, the Town Board desires to apply for financial assistance from the New York State Community Development Block Grant (CDBG) through the Coronavirus Aid, Relief and Economic Security Act (CARES), and

NOW, THEREFORE,

BE IT RESOLVED, that Ronald Ruffino Sr., as Supervisor of the Town of Lancaster, is hereby authorized and directed to accept funds from the New York State Community Development Block Grant (CDBG) through the Coronavirus Aid, Relief and Economic Security Act (CARES), in an amount not to exceed \$367,385, and to execute application documents and agreements with New York State in November 2021 for such financial assistance to complete the Senior Center Improvements Project, and

BE IT FURTHER,

RESOLVED, that upon approval of the application for financial assistance the Town will make available any matching funds beyond the awarded amount, it is understood that matching funds are not required to satisfy the requirements of the funding program however if funds are needed to complete the project, funds will be made available from the Town’s general operating budget.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Erie County Department of Environment and Planning Community Development Block Grant Consortium has procured funding from the United States Government under Title I of the Housing and Community Development Act of 1974 to provide Safety Improvements for the Lancaster Senior Center.

NOW, THEREFORE,
BE IT RESOLVED, that Rotella Grant Management, the Town’s Grant Consultant, is hereby authorized to complete and submit the necessary application, forms, etc. to Debra Liegl, Senior Contract Monitor, at the Erie County Department of Environment and Planning, for purpose of securing this funding, and

BE IT FURTHER,
RESOLVED, that the Supervisor be and is hereby authorized and directed to execute all documents pertaining to the acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER WOZNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Sicoli Construction Services, Inc., 4800 Hyde Park Boulevard, Niagara Falls, New York, 14305 the contractor for the exterior painting of the Lancaster Historical Society Building located at 40 Clark Street, has submitted Change Order No. 1 in the amount of \$5,544.00 to the Town Board for their approval, based on the description of work previously provided to the Town Board.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to **Sicoli Construction Services, Inc.,** with respect to the outlined descriptions provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. 1:

Additional compensation for removal of existing front entrance door, provide temporary closure, strip paint, patch door surface, fill holes, restore decorative moldings, sand finish, prime and paint door.

CHANGE ORDER NO. 1:

The original Contract Sum was	\$	79,900.00
The Contract Sum will be increased by this Change Order in the amount of....	\$	5,544.00
New Contract Sum increased including this Change Order will be....	\$	85,444.00

BE IT FURTHER,

RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WOZNIAK, TO WIT:

WHEREAS, H. Christopher Streng, of Kulback’s Inc., has submitted a site plan application which contained drawings A2, A3, and A4 prepared by Kulback’s dated March 2021 and received March 4, 2021; a Survey dated March 22, 2021 prepared by Millard, MacKay & Delles, and drawings SP101, SP102, SP103, and LP101 all dated March 16, 2021 with a revision date of May 7, 2021 and received May 20, 2021 for the proposed construction of the **Pavement Road Storage Facility** to be located at Pavement Road at Pleasant View Drive (SBL No. 94.00-3-15.22) in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was recommended for approval at their July 7, 2021 meeting, and

WHEREAS, the Town Planning Board has completed an environmental review for the project on July 7, 2021, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board, acting as lead agency, issued a Negative Declaration on July 19, 2021.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by H. Christopher Streng, of Kulback’s Inc., which contained drawings A2, A3, and A4 prepared by Kulback’s dated March 2021 and received March 4, 2021; a Survey dated March 22, 2021 prepared by Millard, MacKay & Delles, and drawings SP101, SP102, SP103, and LP101 all dated March 16, 2021 with a revision date of May 7, 2021 and received May 20, 2021 for the proposed construction of the **Pavement Road Storage Facility** to be located at Pavement Road at Pleasant View Drive (SBL No. 94.00-3-15.22), with the following conditions:

- 1. PIP permit will be required to initiate construction.
- 2. Contractor to provide an “As-built” survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
- 3. Property owner to install signage to read “No Tractor Trailers Allowed” on premises.
- 4. Building Permits are required prior to construction being initiated, and Special Use Permit may be required to reflect the activities of future tenants leasing the facility.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously held a public hearing on April 17, 2017 pursuant to Chapter 400-Zoning Article XIV-Administration and Enforcement, Section 78 of the Code of the Town of Lancaster, upon the application of **Michael Salvatore**, president of **MJJ Property Management, LLC.**, for a Special Use Permit to do **Mulch Shredding and Processing** on premises locally known as 6140 Genesee Street (SBL No. 84.00-3-30), Lancaster, New York, currently zoned Agricultural Residential District with a Sand, Gravel and Aggregate mining overlay district, and the Board issued such Special Use Permit on May 1, 2017 and this Special Use Permit is subject to a yearly renewal upon application by the property owner, and

WHEREAS, by letter dated November 2, 2021, **Aaron Stissor**, Comptroller at **MJJ Property Management, LLC.**, has requested that the Town Board renew the Special Use Permit for an additional one (1) year period, and

WHEREAS, Matt Fischione, the Town's Code Enforcement Officer, completed an onsite inspection and found the property compliant to the original conditions of the Special Use Permit per his letter dated November 9, 2021.

NOW, THEREFORE,

BE IT RESOLVED, as follows:

1. That pursuant to Chapter 400 Zoning, Article IV Residential Districts, Section 13(B)(1)(p) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a renewal of the Special Use Permit to **Aaron Stissor**, of **MJJ Property Management, LLC.**, to perform **Mulch Shredding and Processing** on premises locally known as 6140 Genesee Street (SBL No. 84.00-3-30), Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning January 1, 2022 and ending December 31, 2022, and

2. That the applicant will continue in compliance with conditions as set forth in § 400-13(B)(1)(p) Agricultural Residential Districts, § 400-24 SGA Overlay District, and § 400-78 Special use permits of the Code of Town of Lancaster and with the following conditions:

- A.** No more than 10,000 cubic yards are to be stored at any one (1) time on the area located on the site plan.
- B.** Must maintain proper dust and odor remediation practices.
- C.** Shall adhere to the specified hours of shredding and processing operations of Monday through Friday from 7:00 A.M. to 5:00 P.M.
- D.** Vehicles are to remain on a paved surface; at no time is vehicle traffic on unpaved areas allowed.
- E.** Permit shall expire on December 31, 2022. The original applicant can renew the permit at no additional cost provided it is for the same location that the original permit was issued under.
- F.** Mining Activities will require permitting upon commencement pursuant to Town Code, Chapter 163, Excavations.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously held a public hearing on November 21, 2016 pursuant to Chapter 400-Zoning Article XIV-Administration and Enforcement, Section 78 of the Code of the Town of Lancaster, upon the application of **Paul Marinaccio**, the President of **PM Peppermint, Inc.**, for a Special Use Permit to **process shredded topsoil as an accessory use to a mining operation** on premises locally known as 31 Peppermint Road (SBL No. 94.00-3-11.1), Lancaster, New York, currently zoned Agricultural Residential District with a Sand, Gravel and Aggregate mining overlay district, and the Board issued such Special Use Permit on March 6, 2017 and this Special Use Permit is subject to a yearly renewal upon application by the property owner, and

WHEREAS, by letter dated November 4, 2021, **Florence Bodami**, of **PM Peppermint, Inc.**, has requested that the Town Board renew the Special Use Permit for an additional one (1) year period, and

WHEREAS, Matt Fischione, the Town’s Code Enforcement Officer, completed an onsite inspection and found the property compliant to the original conditions of the Special Use Permit per his letter dated November 16, 2021.

NOW, THEREFORE,
BE IT RESOLVED, as follows:

1. That pursuant to Chapter 400 Zoning, Article IV Residential Districts, Section 13(B)(1)(p) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a renewal of the Special Use Permit to **Florence Bodami**, of **PM Peppermint, Inc.**, to **process shredded topsoil as an accessory use to a mining operation** on premises locally known as 31 Peppermint Road (SBL No. 94.00-3-11.1), Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning January 1, 2022 and ending December 31, 2022, and

2. That the applicant will continue in compliance with conditions as set forth in § 400-13(B)(1)(p) Agricultural Residential Districts, § 400-24 SGA Overlay District, and § 400-78 Special use permits of the Code of Town of Lancaster and with the following conditions:

- A. Property address to be posted at main entrance.
- B. Truck Traffic is prohibited east of the main entrance.
- C. Proper screening from dust is to be installed to the east of the property protecting the residential areas.
- D. Conformance with all conditions set forth in the Consent Order and Judgement issued by Hon. Mark J. Grisanti, A.J.S.C. (Index No. 808576/2016), To be clear, no mulching, composting, or solid waste disposal is permitted to occur at the Property.
- E. Conformance with all conditions set forth in the Site Plan Approval resolution dated October 17, 2016.
- F. Conformance to the specified hours of operation as stated in § 221-4(I), with days of operation limited to Monday through Saturday.
- G. Permit shall expire on December 31, 2022. The original applicant can renew the permit at no additional cost provided it is for the same location that the original permit was issued under.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, on November 15, 2021, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 400-Zoning, Article XIV Administration and Enforcement, Section 78 Special use permits, of the Code of the Town of Lancaster, upon the application of **Jennifer Pagano** for a Special Use Permit for a Home Occupation (Bakery- Sweet Ella’s Bake Shop) on premises located at 111 Pleasant View Drive (SBL No. 93.14-3-5), Lancaster, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard, and

WHEREAS, Code Enforcement Officer, Matt Fischione, has recommended approval of this Special Use Permit per his letter dated October 19, 2021.

**NOW, THEREFORE,
BE IT RESOLVED,**

1. That pursuant to Chapter 50-Zoning, §400-16(F), entitled "Home Occupations" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Jennifer Pagano**, for a Home Occupation (Bakery- Sweet Ella’s Bake Shop) on premises located at 111 Pleasant View Drive (SBL No. 93.14-3-5), Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, for the period beginning December 6, 2021 and ending December 5, 2023, and
2. That the applicant will continue in compliance with conditions as set forth in § 400-16(F) and § 400-78, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- A) Only persons residing on the premises shall be engaged in such occupation.
- B) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
- C) Special Use Permit will terminate when the applicant no longer resides on the premises.
- D) Applicant will obtain and provide at each renewal, a copy of the business’ New York State Tax Identification Number and/or Federal Employer Identification Number.
- E) Special Use Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a written renewal request to the Town Clerk with all required documents on or before December 5, 2023.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, a “Zombie Foreclosure” occurs when a homeowner vacates their property after a mortgage default and threat of foreclosure, with the home becoming a “Zombie” because the bank has not completed the foreclosure process, and

WHEREAS, the longer a property remains in the foreclosure process, the more often neighboring homeowners will struggle with a multitude of issues, such as an unattended home becoming a danger to children, a potential place for vagrants and squatters to move in without fear of eviction, as well as unkempt landscaping leading to an increase in unwanted wildlife during the summer months and obstructed sidewalks during the winter months, and

WHEREAS, vacant homes diminish the value of surrounding properties, sometimes significantly lowering the sale price of an entire street, and blighted properties may result in demolition, and

WHEREAS, diminished property values present budgetary and property tax revenue challenges for towns, villages and cities in Erie County, and

WHEREAS, the Erie County Clerk, Michael P. Kearns, and the Western New York Law Center (the “Law Center”) for over a decade have been undertaking various efforts and initiatives to combat the impacts that Zombie Foreclosures have on neighborhoods in Erie County, and

WHEREAS, the New York State Legislature passed the 2016 Zombie Property and Foreclosure Prevention Law (the “Zombie Foreclosure Law”), which in part amends New York Real Property Actions and Proceedings Law (“RPAPL”) Section 1308 to require holders of first lien mortgages, or their servicing agents, to secure and maintain vacant one-to-four family properties, and

WHEREAS, the Law provides the following tools in the fight against Zombies: banks or servicers that fail to maintain properties can face potential penalties of up to \$500 per day per property; creation of an expedited foreclosure process; and, RPAPL Section 1310’s establishment of a statewide database of abandoned properties to be maintained by the New York State Department of Financial Services, and

WHEREAS, the Erie County Legislature has provided the Erie County Clerk, Michael P. Kearns, and the Western New York Law Center with effective resources to: deliver technical assistance to County municipalities; engage the community to persuade lenders to complete the foreclosure process and perform regular property maintenance; and enforce the Zombie Foreclosure Law, and

WHEREAS, in September of 2019, Erie County Clerk, Michael P. Kearns, announced the creation of the Erie County Clerk’s ZOMBIES Initiative (Zero tolerance; Open lines of communication; Municipal participation; Bank accountability; Interest in neighborhoods; Engage and educate communities; Solutions) to provide additional resources to Erie County municipalities and communities facing Zombie Foreclosures, and

WHEREAS, the emergence of the COVID-19 pandemic and its widespread financial impacts caused the statewide default on mortgages to soar to 11.8% at the height of the pandemic, and recent numbers from October 2021 showed that 7.4% of all homeowners in New York State were behind on their mortgage payments, and

WHEREAS, in February of 2021, the Erie County Clerk and members of the Erie County Zombie Foreclosure Task Force created the “Stay in Your Home Campaign” to introduce effective strategies to combat foreclosures caused by the COVID-19 pandemic, and

WHEREAS, ever changing state and federal regulations have temporarily staved off a surge in foreclosures but it is anticipated that foreclosures will sharply increase once these measures end, and

WHEREAS, hundreds of homes in Erie County are currently considered “Zombies,” stuck in foreclosure limbo and a drastic increase in the number of foreclosures will escalate the possibility of more Zombie properties, and

WHEREAS, the Erie County Clerk’s ZOMBIES Initiative has resolved issues with dozens of Zombies in Erie County, and

WHEREAS, the County of Erie is New York State’s leader in combatting Zombies, and

WHEREAS, tackling the problem of Zombies in Erie County requires effective communication and cooperation to ensure properties are appropriately targeted and municipalities have potent and practical resources to protect their communities, and

WHEREAS, the Town of Lancaster recognizes the severity of the anticipated foreclosures due to the effects of the ever changing state and federal regulations in response to the COVID-19 pandemic, and

WHEREAS, it is in the best interest of the Town of Lancaster Residents to be proactive in identifying poorly maintained properties, and

WHEREAS, through effective Code Enforcement Practices, the Town of Lancaster was able to prevent an Ellie CT. Zombie Property from deteriorating further and was able to issue a renovation permit for repair and new occupancy.

NOW, THEREFORE,

BE IT RESOLVED, that the Town of Lancaster supports the Erie County Clerk’s ZOMBIES Initiative and the Stay in Your Home Campaign, and

BE IT FURTHER,

RESOLVED, that the Town of Lancaster hereby pledges to avail itself of the technical assistance available from the ZOMBIES Initiative to develop a strategy to address and prevent Zombies, and

BE IT FURTHER,

RESOLVED, that the Town of Lancaster encourages community engagement to report Zombies, and

BE IT FURTHER,

RESOLVED, that the Lancaster Town Clerk shall forward a certified copy of this resolution to Erie County Clerk, Michael P. Kearns.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER LEARY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Huntington Valley Construction, Inc., 825 Rein Road, Cheektowaga, New York 14225, the company awarded the contract for the construction of the Aurora Street over Cayuga Creek Bridge Rehabilitation project (NYSDOT PIN 5762.97), has submitted Change Order No. 1 to **decrease** the amount by (\$27,511.80) to the Town Board for their approval, based on the description previously provided to the Town Board.

NOW THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 from Huntington Valley Construction, Inc., with respect to the outlined description provided to the Town Board.

DESCRIPTION OF CHANGE ORDER NO. 1:

Various changes to the E B Expansion Bearing and the deletion of items not utilized to complete the project.

CHANGE ORDER NO. 1:

The original Contract Sum was	\$ 607,329.00
The Contract Sum decreased by this Change Order in the amount of....	(\$ 27,511.80)
The new Contract Sum including this Change Order will be.....	\$ 579,817.20

BE IT FURTHER,
RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the real property owners of 32 Via Donato East (SBI No. 115.14-10-9) and 6 Via Tripodi (SBL No. 115.14-10-11) are entering into a property lot line adjustment agreement in order to resolve a long-standing land issue between the two properties, and

WHEREAS, the Town of Lancaster holds a fifteen (15) foot wide drainage easement at the rear of both properties which would need to be relocated to effectuate the proposed lot line adjustment, and

WHEREAS, the resident owners have submitted the requisite topography surveys along with new property deed restrictions which will be filed with the Erie County Clerk’s Office, and

WHEREAS, the subject topography surveys confirm that no changes will be made to either the land or the subject surface flow and that the subject easement adjustment would not be detrimental to the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of Lancaster hereby approves the proposed relocation of the drainage easement at 32 Via Donato East and 6 Via Tripodi as described in the topography survey submitted to the Town of Lancaster dated November 25, 2020, and

BE IT FURTHER,

RESOLVED, the real property owners shall submit proof of said filing along with a copy of the documents filed with the Erie County Clerk’s Office to the Lancaster Town Clerk, and

BE IT FURTHER,

RESOLVED, that this proposed relocation of the drainage easement is subject to a permissive referendum.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

**PUBLIC NOTICE
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that on December 6, 2021, the Town Board of the Town of Lancaster adopted a resolution which is subject to a permissive referendum in accordance with Article 7 of the Town Law of the State of New York.

The Town of Lancaster holds a 15-foot-wide drainage easement at the rear of real properties 32 Via Donato East (SBL No. 115.14-10-9) and 6 Via Tripodi (SBL No. 115.14-10-11) and will need to be relocated to effectuate the proposed lot line adjustment requested by the property owners.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

**By: DIANE M. TERRANOVA
Town Clerk**

December 9, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, David Kulbacki, of Kulback’s Inc., 2 Wendling Court, Lancaster New York 14086 has applied to the Town Board of the Town of Lancaster for a permit for Private Improvements upon real property in the Town of Lancaster within Pavement Road at Pleasant View Drive, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the private improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that Private Improvement Permit Application No. 837 for Pavement Road at Pleasant View Drive, Lancaster, New York 14086 which is a permit for Private Improvements for:

- Two (2) single-story pole barn structures. 26,455 G.S.F. total. Asphalt pavement, storm water, landscaping and site lighting.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Walt Hopcia, Apple Rubber Products, Inc., 204 Cemetery Road, Lancaster, New York 14086 has applied to the Town Board of the Town of Lancaster for a permit for Private Improvements upon real property in the Town of Lancaster on 204 Cemetery Road, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the private improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that Private Improvement Permit Application No. 838 of Walt Hopcia, Apple Rubber Products, Inc., 204 Cemetery Road, Lancaster, New York 14086 which is a permit for Private Improvements for the installation of:

- 6,000 sq. ft. building addition, detention pond 3,000 sq. ft. and storm piping.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

PREFILED RESOLUTION NO. 24 – MEETING OF DECEMBER 6, 2021

24. Ruffino/_____Recognize Appointment Of Noah Speyer Laborer Highway
Department

This resolution was withdrawn by Supervisor Ruffino for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, Marsha Haas, was appointed by the Town Board by resolution dated November 15, 2021, to the position of Recreation Instructor, part-time permanent, in the Senior Center effective on November 16, 2021.

WHEREAS, upon review of the legal identification documents of the aforementioned individual, it has been determined that an incorrect name was provided.

NOW, THEREFORE,

BE IT RESOLVED, that this resolution shall hereby amend the resolution dated November 15, 2021, and

BE IT FURTHER,

RESOLVED, that the following individual is hereby appointed to the following part-time permanent position in the Senior Center, working not more than nineteen and three-quarter hours per week, and that this being a part-time position, provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Marcia Haas (new hire) Lancaster, NY	Recreation Instructor	\$30.45	November 16, 2021

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER WOZNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, by resolution adopted on June 21, 2021, the Town Board of the Town of Lancaster authorized the purchase of one (1) **2022 Kenworth T480 Cab and chassis for Sewer Vac Operations** for use by the Highway Department, and

WHEREAS, by letter dated November 29, 2021, Highway Superintendent, Daniel Amatura, has requested that the aforementioned purchase be rescinded due to the Chassis being cancelled by the vendor.

NOW, THEREFORE,

BE IT RESOLVED, that the resolution adopted June 21, 2021, authorizing the purchase of one (1) **2022 Kenworth T480 Cab and chassis for Sewer Vac Operations** for use by the Highway Department is hereby rescinded.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	NO
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, by letter
received December 1, 2021, has requested the deletion of one member from the active roster
of said fire association.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster
hereby deletes from the membership of the Bowmansville Volunteer Fire Association, the
following individual:

DELETION:

Scott Panfil

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, WOZNIAK, TO WIT:

WHEREAS, the Town Board is considering the proposed new construction of an emergency response facility for National Grid consisting of a single-story 7,120 s.f. office area and 47,880 s.f. warehouse with secured outdoor storage facility, on a +/- 38 acre parcel, to be located at 293 Cemetery Road (SBL No. 105.00-2-27), in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on November 17, 2021, and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the commercial development project, using the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board, and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and

WHEREAS, the proposed action has been labeled a “Type I” action under 6NYCRR Part 617.4(6)(v) of SEQR.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. Based upon the Town Board’s thorough and careful review of the proposed new construction of an emergency response facility for National Grid consisting of a single-story 7,120 s.f. office area and 47,880 s.f. warehouse with secured outdoor storage facility, on a +/- 38 acre parcel, to be located at 293 Cemetery Road (SBL No. 105.00-2-27), will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: December 6, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”) has reviewed the proposed new construction of an emergency response facility for National Grid consisting of a single-story 7,120 s.f. office area and 47,880 s.f. warehouse with secured outdoor storage facility, on a +/- 38 acre parcel, to be located at 293 Cemetery Road (SBL No. 105.00-2-27) . The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: National Grid Emergency Response Facility #2131

Location of Action: 293 Cemetery Road (SBL No. 105.00-2-27) Lancaster, New York 14086, Erie County.

SEQR Status: Type I Action.

Description of Action: This project consists of a 7,120 SF one-story office and 47,880 SF warehouse and secured outdoor storage facility on 38 acres of vacant property. Development includes private fire-service, surface parking lot, and drainage improvements.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. Impact on land - **No impact**
2. Impact on Geological Features – **No impact**
3. Impacts on Surface Water – **No impact. Per the NYSDEC letter dated October 12, 2021, permits may be required.**
4. Impact on Groundwater – **Impact**
d. Small, 700 gallons/day sanitary wastewater (office).
5. Impact on Flooding – **Impact**
b. Small, proposed action may result in development within a 100-year floodplain.
d. Small, 12.53 acres of impervious surface of 37.75-acre parcel.
6. Impact on Air – **No impact.**
7. Impact on Plants and Animals – **No impact.**
8. Impact on Agricultural Resources – **No impact.**

9. Impact on Aesthetic Resources – **No impact.**
10. Impact on Historic and Archeological Resources – **No impact.**
11. Impact on Open Space and Recreation – **No impact.**
12. Impact on Critical Environmental Areas – **N/A**
 - **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
13. Impact on Transportation – **Impact.**
 - f. Increases the need for public transportation to this area.**
14. Impact on Energy – **No impact.**
15. Impact on Noise, Odor and Light – **Impact**
 - d. Small, 20-ft parking lot poles, wall mounted down lighting.**
16. Impact on Human Health – **No impact.**
17. Consistency with Community Plans – **No impact.**
18. Consistency with Community Character – **No impact.**

For Further Information:

Contact Person:	Kevin E. Loftus, Town Attorney
Address:	Town of Lancaster 21 Central Avenue Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town Board is considering the proposed construction of a NYSDEC-Registered Soil Recycling facility which will accept excess construction soils and re-purpose them for use as fill materials on a +/- 95-acre parcel, submitted by **ESG Properties of WNY, Inc. and EnSol, Inc.**, to be located at 6125 Genesee Street (SBL No. 95.00-1-1), in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on November 17, 2021, and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the commercial development project, using the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board, and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and

WHEREAS, the proposed action has been labeled a “Type I” action under 6NYCRR Part 617.4(6)(v) of SEQR.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. Based upon the Town Board’s thorough and careful review of the proposed construction of a NYSDEC-Registered Soil Recycling facility which will accept excess construction soils and re-purpose them for use as fill materials, on a +/- 95-acre parcel, to be located at 6125 Genesee Street (SBL No. 95.00-1-1), will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: December 6, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”) has reviewed the proposed construction of a NYSDEC-Registered Soil Recycling facility which will accept excess construction soils and re-purpose them for use as fill materials, on a +/- 95-acre parcel, to be located at 6125 Genesee Street (SBL No. 95.00-1-1). The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Soil Recycling Facility #3001

Location of Action: 6125 Genesee Street (SBL No. 95.00-1-1) Lancaster, New York 14086, Erie County.

SEQR Status: Type I Action.

Description of Action: This project is for a NYSDEC (New York State Department of Conservation)-registered Restricted or Limited Use Fill (as defined in NYCRR Part 360.13) Soil Recycling Facility, which will accept excess construction soils and re-purpose them for use as fill materials at off-site locations.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. Impact on land - **Impact**
a. Small
2. Impact on Geological Features – **No impact**
3. Impacts on Surface Water – **No impact. Per the NYSDEC letter dated September 28, 2021, permits may be required.**
4. Impact on Groundwater – **No impact**
5. Impact on Flooding – **Impact,**
b. Small, proposed action may result in development within a 100-year floodplain.
6. Impact on Air – **No impact.**
7. Impact on Plants and Animals – **No impact.**
8. Impact on Agricultural Resources – **No impact.**

9. Impact on Aesthetic Resources – **No impact.**
10. Impact on Historic and Archeological Resources – **No impact.**
11. Impact on Open Space and Recreation – **No impact**
12. Impact on Critical Environmental Areas – N/A
 - **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
13. Impact on Transportation – **No impact**
14. Impact on Energy – **No impact**
15. Impact on Noise, Odor and Light – **No impact**
16. Impact on Human Health – **No impact**
17. Consistency with Community Plans – **Impact**
 - c. **Small, once the mining operation ceases the SGA Overlay will be removed and the property will revert to AR Zoning making this an existing non-conforming use.**
18. Consistency with Community Character – **No impact**

For Further Information:

Contact Person:	Kevin E. Loftus, Town Attorney
Address:	Town of Lancaster 21 Central Avenue Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Ronald Ruffino, Sr., Town Supervisor of the Town of Lancaster has recommended the appointment of Lawrence Korzeniewski as a member of the Town of Lancaster Planning Board due to the resignation of Kristin McCracken.

NOW, THEREFORE,

BE IT RESOLVED that Lawrence Korzeniewski, Lancaster, New York be and is hereby appointed a member of the Town of Lancaster Planning Board for the term expiring December 31, 2023, thereby filling the term of Kristin McCracken effective December 7, 2021.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	NO
COUNCIL MEMBER LEARY	VOTED	NO
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, Brad Keatley, Buffalo Division Manager of **O’Connell Electric Company, Inc.**, has submitted an application for a Special Use Permit to operate an electrical services business which includes retail sales on premises locally known as 20 Lancaster Parkway (SBL No. 94.00-3-32.112), Lancaster, New York, currently zoned Light Industrial (LI). In accordance with the provisions of Chapter 400 Zoning, Article VI Industrial Districts, §400-20 Light Industrial District (LI), (B)(1)(p) of the Code of the Town of Lancaster.

NOW THEREFORE,
BE IT RESOLVED, as follows:

That pursuant to Chapter 400-Zoning, Section 78 entitled Special use permits, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit to allow of **O’Connell Electric Company, Inc.**, to operate an electrical services business which includes retail sales on premises locally known as 20 Lancaster Parkway (SBL No. 94.00-3-32.112), Lancaster, New York will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of December, 2021 at 7:15 o’clock P.M. Local Time, and the notice of the time and place of such hearing be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 6, 2021

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
SPECIAL USE PERMIT– O’CONNELL ELECTRIC COMPANY, INC.,**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 400Zoning, Section 78 entitled Special use permits, of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution adopted by the Town Board of the Town of Lancaster, on the 6th day of December, 2021 the Town Board will hold a Public Hearing on the 20th **day of December 2021** at 7:15 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Brad Keatley, Buffalo Division Manager of **O’Connell Electric Company, Inc.**, for a Special Use Permit to operate an electrical services business which includes retail sales on premises locally known as 20 Lancaster Parkway (SBL No. 94.00-3-32.112), Lancaster, New York, County of Erie, State of New York.

Full opportunity to be heard will be given to all citizens and all parties in interest.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

**BY: DIANE M. TERRANOVA
Town Clerk**

December 9, 2021

SUSPENDED RESOLUTION:

Council Member Leary requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER DICKMAN AND CARRIED, a suspension was granted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER LEARY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster acknowledges that they administer good government, and

WHEREAS, the Town Board of the Town of Lancaster acknowledges that they administer the best practices, and

WHEREAS, the Town Board of the Town of Lancaster recognizes that elected and appointed officials may take leave and/or vacation for a multitude of reasons while in their respective positions at various times throughout the year, and

WHEREAS, it would be extremely valuable to the Town’s constituents and the general public to have all elected officials provide as much advance notice as possible regarding the dates and lengths of their absence, and

WHEREAS, during their absence the Supervisor should officially appoint a Deputy to execute all the functions required per New York Consolidated Laws, Town Law - TWN § 42.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster, hereby mandates that all elected officials of the Town of Lancaster give as much advance notice as possible to all the Town Board Members, Town Department Heads and Appointed Officials of any leaves they intend to take, and

BE IT FURTHER,

RESOLVED, that the Supervisor shall officially reaffirm the duties of the Deputy Supervisor, via resolution, to perform all necessary functions allowed per New York Consolidated Laws, Town Law - TWN § 42.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	NO

December 6, 2021

COMMUNICATIONS & REPORTS

- 948. Police Chief to Supervisor and Town Board –**
Request for resolution approving the appointment of two officers to fill two anticipated vacancies. Disposition = Received & Filed
- 949. Twin District Fire Company to Town Clerk –**
Change in roster. Disposition = Resolution 12/6/21
- 950. Code Enforcement Officer to Town Board –**
Comments regarding Special Use Permit Application for Salvatore's Italian Restaurant, 6461 Transit Rd. Disposition = Planning Committee
- 951. Gerald Kocialski to Supervisor –**
Letter of intent to retire from position of Working Crew Chief in the Town Highway Dept. effective November 30, 2021. Disposition = Received & Filed
- 952. Code Enforcement Officer to Town Board –**
Recommend consideration of renewal of Special Use Permit for PM Peppermint, 31 Peppermint Road. Disposition = Resolution 12/6/21
- 953. Supervising Code Enforcement Officer to Town Clerk –**
Recommend approval of renewal of Application for 2022 License to Conduct a Salvage Yard for Ed Henning, Inc., 911 Ransom Road.
Disposition = Resolution 12/6/21
- 954. Vince Gugliuzza, Municipal Liaison Erie County Water Authority to Supervisor –**
Request for appointment to discuss needs and issues.
Disposition = Received & Filed
- 955. On-Site Employee Testing to Supervisor –**
Contract that allows On-Site Employee Testing to continue service and manage employee drug and alcohol testing program. Disposition = Received & Filed
- 956. Erie County Dept. of Environment & Planning to Supervisor –**
2020-21 CDBG – CV Project Agreement – Senior Center Safety Improvements.
Disposition = Received & Filed
- 957. Landmark Dividend to Town of Lancaster –**
Request to discuss Town's cellular lease. Disposition = Received & Filed
- 958. Town Engineer to Town Board –**
Request for approval of Construction Change Order 1 for Aurora St. Bridge.
Disposition = Resolution 12/6/21
- 959. Town Attorney to Town Board and Planning Board –**
Revised SEQR response from Erie County Division of Sewerage Management regarding Site Plan Amend. Apple Rubber, 204 Cemetery Rd. Proj. #2142.
Disposition = Planning Committee
- 960. Town Attorney to Town Board and Planning Board –**
SEQR response from NYS Office of Parks, Recreation & Historic Conservation regarding Site Plan Soil Recycling Facility, 6125 Genesee St, Proj. #3001.
Disposition = Planning Committee
- 961. Town Attorney to Town Board and Planning Board –**
SEQR response from NYSDEC regarding Rezone, 338 Harris Hill Road.
Disposition = Planning Committee
- 962. Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Division of Environmental Planning regarding Rezone, 338 Harris Hill Road. Disposition = Planning Committee

963. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Division of Sewerage Management
regarding Rezone, 338 Harris Hill Road. Disposition = Planning Committee
964. Lancaster Dog Control to Town Clerk –
Message posted on Facebook regarding Dog Control Officer.
Disposition = Received & Filed
965. Supervisor to Town residents –
Local State of Emergency declared due to Covid 19 in the Town of Lancaster
beginning November 17, 2021 and continuing for period not to exceed 30 days.
Disposition = Received & Filed
966. Town Clerk to Barbara Milfet, 7-Eleven, Inc. –
Second Notice - Special Use Permit to operate an Automobile Fueling Station &
Car Wash Facility, 4949 Transit Rd. will expire on December 4, 2021; need to
request a renewal. Disposition = Received & Filed
967. Town Clerk to Donald D'Amato –
Special Use Permit for a Home Occupation (Firearm Sales), 43 Greenmeadow
Drive will expire on January 2, 2022; need to request a renewal.
Disposition = Received & Filed
968. Charter Communications to Town Clerk –
Upcoming changes to channel line-up. Disposition = Received & Filed
969. Lancaster Village Clerk to Supervisor –
Notice of Site Plan Review for West Main Jewelers on December 16, 2021
At 7:00PM at Lancaster Municipal Building. Disposition = Received & Filed
970. Planning Board Chairman to Planning Board, Town Board, Town Attorney,
Engineering Consultant, Highway Superintendent and Building Inspector –
Draft copy of minutes from Nov. 17, 2021 Planning Board Meeting.
Disposition = Received & Filed
971. Town Clerk to Code Enforcement Officer –
Request for renewal of a Special Use Permit for Northeast Diversification, Inc.,
954 Ransom Road to operate a contractor's storage yard.
Disposition = For Resolution
972. NYS Dept. of Public Service to Town Clerk –
Information regarding preparing for winter. Disposition = Received & Filed
973. Gail Wojtowicz to Town Board –
Request to be reappointed as a Bingo inspector for the Town.
Disposition = Received & Filed
974. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Public Works regarding Car Wash,
3620 Walden Ave. & 371 Central Ave., Proj. #1920.
Disposition = Planning Committee
975. Town Clerk to Code Enforcement Officer –
Special Use Permit Application for 4855 Transit Road.
Disposition = For Resolution
976. Robert Heil to Town of Lancaster –
Request for waiver of 30-day municipality notification for an On Premise
Liquor License for Dipson Theatres Inc. d/b/a FLIX Stadium 10.
Disposition = Town Attorney

977. Claudia M. Rodr, Esq. to Town Clerk –
Request to purchase land on Steinfeldt Road owned by the Town of Lancaster.
Disposition = Received & Filed
978. Code Enforcement Officer to Donald Juliano –
Town Building Dept. is requesting a full refund for the application of
OP2021-00041 Christmas Tree Sales. Disposition = Received & Filed
979. Harris Hill Volunteer Fire Co., Inc. to Building Dept. –
Notice that effective January 31, 2022, the Harris Hill Volunteer Fire Company
will no longer be maintaining a certified BLS ambulance.
Disposition = Received & Filed
980. Neil Connelly to Town Board –
Request to be remain as the Town of Lancaster Planning Board Chairman
in 2021. Disposition = Received & Filed
981. Town Clerk to Code Enforcement Officer –
Copy of Application for 2022 License to Conduct a Salvage Yard at 867 Ransom
Road. Disposition = For Resolution
982. Town Attorney to Town Clerk –
Request for resolution issuing Private Improvement Permits for Pavement and
Curb, Detention Basin, Storm Sewer, Water Line and Sanitary for Pavement
Road Storage Facility, Pavement Rd. at Pleasant View Dr., Proj. #2107.
Disposition = Resolution 12/6/21
983. Federal Emergency Management Agency to Supervisor –
Revised Flood Insurance Study Report and Flood Insurance Rate Map for the
Town of Lancaster effective May 17, 2022. Disposition = Received & Filed
984. Town Clerk to Code Enforcement Officer –
Copy of Application for 2022 License to Conduct a Salvage Yard for J. Renkas
& Sons d/b/a AJA's Auto Parts & Salvage, 955 Ransom Rd.
Disposition = Code Enforcement, For Resolution
985. Town Clerk to Code Enforcement Officer –
Application for Special Use Permit for 5841 Genesee Street.
Disposition = For Resolution
986. Town Clerk to Brian Sutter, Modern Disposal Services, Inc. –
2022 Solid Waste Collection License including license decals and a copy of
Exhibit "B" from the application. Disposition = Received & Filed
987. Town Clerk to Code Enforcement Officer –
Copy of Application for a 2022 License to Conduct a Salvage Yard for
Advantage Trucks.com, LLC, 933 Ransom Road.
Disposition = Code Enforcement, For Resolution
988. Highway Superintendent to Town Board –
Request for Town Board to approve the appointment of Noah Speyer,
Lancaster, NY to the position of Laborer Grade #1 in the Town Highway
Department effective December 6, 2021. Disposition = Resolution 12/6/21
989. Town Attorney to Town Clerk –
Request for resolution issuing Private Improvement Permit #838 for Pavement
& Curb, Detention Basin, and Storm Sewer for Apple Rubber Amendment,
Proj. #2142. Disposition = Resolution 12/6/21
990. NYS Department of Public Service to Supervisor –
Information regarding the annual winter outreach and education campaign.
Disposition = Received & Filed

- 991. Highway Superintendent to Town Board –
Revised request for resolution to purchase one new and unused 2022 Kenworth T480 cab and chassis for sewer vac operation from Kenworth Northeast Group, Inc., 100 Commerce Dr., Buffalo, NY Disposition = Resolution 12/6/21**
- 992. Bowmansville Volunteer Fire Association to Town Clerk –
Change in roster. Disposition = Resolution 12/6/21**
- 993. Town Clerk to Carolyn Speicher, New Enterprise Stone & Lime Co. Inc. –
Special Use Permit for 2022 to excavate sand, gravel and stone aggregates.
Disposition = Received & Filed**
- 994. Code Enforcement Officer to Drainage & Storm Sewer Committee –
MS4 Report for November 2021. Disposition = Received & Filed**
- 995. Kevin Lemaster to Town Board –
Interest in becoming a Board Member for the Town of Lancaster Industrial Development Agency (LIDA). Disposition = Received & Filed**
- 996. Lawrence Korzeniewski to Town Clerk, Supervisor and Town Board –
Resignation from the position as Town Planning Board member set to expire on 12/31/2021. Disposition = Received & Filed**
- 997. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed**
- 998. Paige Viera to Supervisor –
Letter of resignation from the position of Public Safety Dispatcher in the Lancaster Police Dept. effective January 11, 2022.
Disposition = Received & Filed**
- 999. Frank Todaro to Town Clerk –
Request for appointment to the Lancaster Industrial Development Agency Board. Disposition = Received & Filed**
- 1000. Town Clerk to Donald D’Amato –
Second Notice - Special Use Permit for a Home Occupation (Firearm Sales), 43 Greenmeadow Dr. will expire on January 2, 2022; need to request a renewal.
Disposition = Received & Filed**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER DICKMAN AND SECONDED BY
COUNCIL MEMBER MAZUR AND CARRIED,** the meeting was adjourned in memory
of Richard Farmer, Bernard Kurowski, Karen Reardon-Juliano and Dean Seyler at 8:30 P.M.

Signed_____

Diane M. Terranova, Town Clerk